

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS

United States Courts  
Southern District of Texas  
FILED

SEP 14 2018

STATE OF TEXAS, et al.,  
Original Plaintiffs,  
Stephen P. Wallace, Private Attorney General,  
and all US Taxpayers similarly situated,  
Independent Intervenors,  
vs.  
UNITED STATES OF AMERICA, et al.

David J. Bradley, Clerk of Court

CASE #: 1:2018-cv-00068 - H

**2<sup>ND</sup> EMERGENCY MOTIONS TO INTERVENE TO SETTLE THE COURTS UNDERLYING ORDER AND  
FOR ORDER TO COMPEL THAT INTERVENOR'S "DACA SOLUTION UNDERWRITING" BE  
SUBMITTED TO PRESIDENT TRUMP FOR URGENT REVIEW/EXECUTION, WITH ADDITIONAL  
BRIEF – IN – SUPPORT**

1 That the Original **EMERGENCY MOTIONS** were filed on September 5, 2018 @ [Dkt. #:323];  
2 That PRESIDENT TRUMP; Plaintiffs'; & Defendants' LEAD COUNSEL received "**CERTIFICATES  
OF SERVICE**" on September 7<sup>th</sup>, 2018; (enclosed)  
3 That the Court has acknowledged Intervenor's as an Interested Party via USPS; (enclosures)  
4 That "NO PARTY has filed an OBJECTION", as ALL recognize and would confess in open court  
that "EACH ACCOMPLISH THEIR RESPECTIVE OBJECTIVES" regarding '**DACA/DAPA Recipients**';  
5 That on September 6<sup>th</sup>, 2018, US District Judge Hanen filed his "**Interlocutory Appeal Order**",  
signed on August 31<sup>st</sup>, 2018, to "STAY the CASE for (21) days"; (enclosed)  
6 That Judicial Notice is proffered herein that should the CASE linger and not be "SETTLED nor  
ADJUDICATED before the **NOVEMBER 6<sup>th</sup>, Mid-Term ELECTION**, the current "hostile & divisive  
PARTIES of Record, may inflict "**Compounding of Irreparable Harm**" on **DACA/DAPA Recipients**;  
**WHEREFORE**, Intervenor's file their [2<sup>nd</sup> Emergency Motions] in the Interest of Justice; Judicial  
Economy; Equal Due Process; and without further US TAXPAYER and current Private Counsel's  
**'Compounding Legal Expense'**, as "**ALL Parties have nothing to lose, & everything to GAIN**".  
cc: President Trump & All Lead Counsel Respectfully submitted,  
via USPS Express: EL 873894765 US

**AFFIDAVIT**

I swear/affirm the foregoing is true and correct under penalty of perjury.

County of Kane

State of IL

Stephen P. Wallace appeared/signed the Affidavit before me this \_\_\_\_ day, September, 2018.



Laura Hager  
Notary Public



S. Paul Wallace &lt;wallyamundo@gmail.com&gt;

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**Fwd: CERTIFICATES OF SERVICE**

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S. Paul Wallace &lt;wallyamundo@gmail.com&gt;

Fri, Sep 7, 2018 at 10:09 AM

To: sekulow@aclj.org, jraskin@raskinlaw.com, mraskin@raskinlaw.com

Cc: adam.biggs@oag.texas.gov, adam.bitter@oag.texas.gov, todd.disher@oag.texas.gov, malger@cooley.com, andrew.amend@ag.ny.gov, rachel.apter@njoag.gov

Bcc: Joe Ryan &lt;nicavet2000@yahoo.com&gt;, drgoodson@hotmail.com, cneuhaus@icsa.pe

FYI

----- Forwarded message -----

From: &lt;simplescan@stcharleslibrary.org&gt;

Date: Tue, Sep 4, 2018 at 1:38 PM

Subject: CERTIFICATES OF SERVICE

To: &lt;TeamTrump757@outlook.com&gt;

Cc: &lt;wallyamundo@gmail.com&gt;

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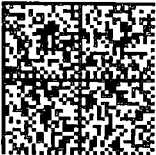
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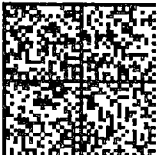
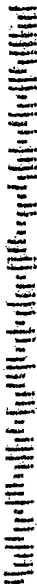
David J. Bradley, Clerk

Case No. 1:18-CV-68

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**ENTERED**

August 31, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

STATE OF TEXAS, *et al.*,

)

*Plaintiffs,*

)

v.

)

Case No. 1:18-cv-00068

UNITED STATES OF AMERICA, *et al.*,

)

*Defendants,*

)

*and*

)

KARLA PEREZ, *et al.*,

)

*Defendant-Intervenors.*

)

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**ORDER GRANTING PLAINTIFF STATES' MOTION TO EXCLUDE  
TESTIMONY FROM UNTIMELY DESIGNATED WITNESSES**

On this date, the Court considered Plaintiff States' Motion to Exclude Testimony from Untimely Designated Witnesses. After considering the Motion, the Court believes the Motion is meritorious and should be granted.

IT IS THEREFORE ORDERED that exhibits 12, 15, 26-51, 59, and 60 on Defendant-Intervenors exhibit list (see ECF No. 90) are EXCLUDED.

SIGNED on this the 31<sup>st</sup> day of August, 2018.



Hon. Andrew S. Hanen,  
U.S. District Court Judge



CLERK

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

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20180906-133

Stephen P Wallace

1116 Sheffer Road

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Aurora, IL US 60505

David J. Bradley, Clerk

Civil Action No. 1:18-CV-00068

This Court by separate order has found that the Plaintiff States have shown a likelihood of success on the merits of their claim that the Deferred Action for Childhood Arrivals (“DACA”) program is contrary to the Administrative Procedure Act (“APA”). The Court also found that the Plaintiff States had made a clear showing of irreparable injury. The Court did not grant the requested preliminary injunction as it found that the States had delayed seeking this relief for years, that the balance of private interests fell in favor of the denial of the requested relief, and that implementing that relief at this point in time was contrary to the best interests of the public. The Court addressed almost all of the issues in contention and went into more detail than was required to reach its conclusion due to the critical nature of the subject matter in dispute. The denial of interlocutory relief is not usually appealable, and in the few circumstances where it is appealable, courts tend to postpone deciding significant issues on an interlocutory basis. Nevertheless, this Court is entering this order certifying this matter for interlocutory appeal as the issues covered herein are of major import to a large segment of this country, and all parties

anxiety that will necessarily result from a protracted delay.


## VII

The Court has considered various rulings from district courts in three different circuits that block the rescission of the DACA program and one, from a fourth circuit, that refused to block it. While this case concerns DACA's creation and implementation, there are many overlapping issues. Recently, both judges and commentators have opined that circuit splits are actually healthy for the development of this country's jurisprudence. If that premise is actually accurate and if the appellate courts in those circuits affirm the judgments from the other district courts, and if this Court is affirmed on appeal, the primary issues in question would be poised for resolution by the Supreme Court.

## VIII

Having so ruled, this Court hereby stays this case for 21 days. If any party elects to pursue an interlocutory appeal of the Court's order on the request for a preliminary injunction pursuant to 28 U.S.C. § 1292(b), in addition to any other requirements by rule or statute, the appealing party shall provide notice to this Court and the Court will subsequently entertain a request to extend the stay. If no party elects to appeal, the Court will schedule a hearing to implement a new scheduling order that will control the resolution of the remaining issues in this case.

Signed this 31st day of August, 2018.



Andrew S. Hanen  
United States District Judge